

Meeting Minutes February 5, 2004

Town of Los Altos Hills City Council Regular Meeting

Thursday, February 5, 2004 6:00 P.M.
Council Chambers, 26379 Fremont Road

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Cheng called the Regular Meeting of the City Council to order at 6:00 p.m. in the Council Chambers at Town Hall.

Present: Mayor Emily Cheng, Mayor Pro Tem Mike O'Malley,
Councilmember Bob Fenwick, Councilmember Dean Warshawsky and
Councilmember Breene Kerr

Absent: None

Staff: City Manager Maureen Cassingham, City Attorney Steve Mattas,
Planning Director Carl Cahill, Acting City Engineer/Director of Public
Works
Dave Ross, Administrative Services Director Sarah Joiner and City Clerk
Karen Jost

Press: Kathleen Acuff, Los Altos Town Crier

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to limit the length of time for public comments to three minutes.

2. APPOINTMENTS AND PRESENTATIONS

2.1 Presentation by Duncan and Jeanne MacVicar – "Relay for Life"

Jeanne MacVicar, Co-Chair for the "Relay for Life" event addressed Council. She thanked them for the opportunity to invite Council and the Los Altos Hills community to participate in the first annual "Relay for Life" sponsored by the American Cancer Society to be held on June 26 and June 27 at the Los Altos High School track. The 24 Hour relay is an overnight team event that raises awareness of cancer in the community and raises funds to fight cancer.

Council thanked MacVicar on her presentation and wished her well on her worthwhile fundraising and educational event.

3. PLANNING COMMISSION REPORT

Planning Director Carl Cahill reported that the Planning Commission had met on January 22, 2004 and reviewed the following items: Land of Kerns, application for a landscape screening plan; the Planning Commission's approval of this project has been appealed; and Land of Kerns, a request for a two lot subdivision; item approved unanimously by the Planning Commission. Both items will be forwarded to Council for their consideration as Public Hearings at the February 19, 2004 Regular City Council Meeting.

4. CONSENT CALENDAR

Items Removed: Item 4.1 (O'Malley), 4.1 (Warshawsky), 4.8 (Fenwick), 4.9 (O'Malley), 4.10 (Fenwick)

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously, to approve the remainder of the consent calendar, specifically;

- 4.2 Review of Disbursements: 01/08/2004 – 01/28/2004 \$371,722.42
- 4.3 State Budget Update
- 4.4 Investment Report for the Quarter ended December 31, 2003
- 4.5 Acceptance of Work-2003 Sanitary Sewer Repair and Rehabilitation Project Resolution 6-04
- 4.6 Request for Temporary Elimination of No Parking Zone and Use of Amplified Sound on Purissima Road During Major Events – Los Altos Hills Little League
- 4.7 Approval of the Public Education Committee Survey for Town-Wide Distribution

Items Removed:

- 4.1 Approval of Minutes: Regular City Council Meeting January 15, 2004.

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Fenwick and passed unanimously to approve the minutes of the Regular City Council Meeting of January 15, 2004 with the following corrections; page 1, Daniel Luwin, should read Dan'l Lewin; page 10, Harry Solomon, should read Ernest Solomon.

- 4.8 Notification of Planning Commission Approval: A Request for a Site Development Permit for a Landscape Screening Plan, Lands of Kerns, 11888 Francemont Drive (225-03-ZP-SD)

Councilmember Fenwick reported that he had appealed the Planning Commission approval and the item is scheduled for review by Council at the next meeting.

- 4.9 Request for Extension of the Expiration Date of a Site Development Permit for a New Residence; Lands of Lund; 13826 Templeton Place (181-02-ZP-SD-GD)

Mayor Pro Tem O'Malley requested clarification of this item. Planning Director Cahill explained that the project approval has expired and the applicants are requesting a one-year extension of the site development permit for a new residence. The application is consistent with the Town's codes and policies and all fees associated with the extension request have been paid.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to approve the request for extension of a site development permit for a new residence, Lands of Lund, 13826 Templeton Place.

4.10 Approval of Town Newsletter Policy

Councilmember Fenwick explained that he had removed this item for separate consideration at the request of Roy Woolsey, Chair Community Relations Committee. Woolsey is concerned that the Town Newsletter Policy, as revised, could create delays in the review process and production of the Newsletter in a timely matter. He has requested that a subcommittee of Councilmember Fenwick, City Manager Cassingham, Newsletter Editor Duffy Price and himself draft a policy and return it to Council at a future meeting for their consideration.

Council concurred.

5. UNFINISHED BUSINESS

5.1 Update on Mayor's Goals

5.1.1 New Town Hall – Status Report

Councilmember Kerr reported that the next New Town Hall Committee meeting is scheduled for February 10, 2004. The financing application for the Green Energy Program has been submitted to the State and during its initial review, the application has received a favorable response.

5.1.2 Undergrounding of Utilities – Status Report

Councilmember Warshawsky reported that the Undergrounding Subcommittee will meet with representatives from Godbe Research on February 11, 2004 to review the draft survey. The telephone survey is scheduled for the end of March.

The Committee has received the initial report from R.W. Beck. It has reviewed the report and questions have been forwarded to the consultants for their response. Warshawsky noted that the report has identified a smaller number of applicable miles in the Town than the original study but the unit costs have increased.

5.1.3 Master Pathway Map – Status Report

Chris Vargas, Templeton Place, Chair Pathways Committee, updated the Council on the status of the Master Pathway Map revision. The Committee has divided the Town into

quadrants and will be assessing these areas individually and reporting back to the Committee as a whole with recommendations. Vargas expects this process to be completed by mid-March and the recommendations to be ready for the Public Hearings. Vargas requested clarification on the Public Hearing process for the Map update. He asked that this item be agendized for the next Council meeting for discussion.

Vargas reported that he is considering requesting a subcommittee be formed within the Pathways Committee to review pathway capital improvement projects.

Dot Schreiner, Saddle Mountain Drive, reported that the Map Group will be responsible for the technical part of the Map update process and will be making a presentation of their findings to the Committee at the February 9, 2004 Pathways Committee meeting.

5.1.4 Storm Water Master Plan – Status Report

Acting City Engineer/Director of Public Works Dave Ross reported that the Storm Water Master Plan technical report had been submitted to the Town on time and is being reviewed for comments by staff and will be presented to Council at a future meeting.

5.1.5 Visit to China to Explore Business Opportunities – Status Report

Mayor Cheng noted that several residents have expressed interest in the trip to China. The San Jose Mercury will be publishing an article on the trip and the visit to China can be revisited for community interest following the article's publication.

5.2 Consideration of New Town Hall Financing

Administrative Services Director Sarah Joiner introduced this item to Council. She reported that at their Special Meeting of January 29, 2004, Council had discussed three methods of financing the new Town Hall project. The methods considered were: paying for the project out of reserves, paying for all or a portion of the project with the issuance of Certificates of Participation, and paying for the project with reserves and approving a Reimbursement Resolution. Joiner noted that a sample resolution had been included in the staff report. Joiner added that also included in the staff report was the Finance and Investment Committee's report and recommendation for funding the new Town Hall project from reserves.

Mayor Pro Tem O'Malley clarified that if the Council adopted the Reimbursement Resolution this evening, they could determine at a later date how to pay for the new Town Hall. The Town would not be obligated to borrow, but, that option would be available to the Council by adopting the resolution.

OPENED PUBLIC COMMENT

Craig Jones, Finance and Investment Committee, voiced his support for the adoption of the Reimbursement Resolution. This option offers the Council optimum flexibility in making their financing decision. They will be able to measure the revenue picture and

impact of the State's actions on the Town's reserves before the financing of the project is determined.

CLOSED PUBLIC COMMENT

Councilmember Fenwick noted that a wide range of opinions have been expressed about borrowing funds and the amount has varied from zero (0) to \$4 million. Fenwick could support Council adopting the Reimbursement Resolution and determining the amount in the future. The only downside he could foresee would be a precipitous acceleration in interest rates and the Town might not capture the low rates that are available at this time. Fenwick added that he is in favor of borrowing and spreading the costs out over time. This will keep the reserves at a level that will reassure residents and permit ongoing capital projects.

City Attorney Mattas noted for Council that the Council has the authority to increase the amount proposed in the Reimbursement Resolution of \$3.7 million to \$5 million. Councilmember Kerr expressed his support for the Reimbursement Resolution. He is in favor of keeping the amount at \$3.7 million, which is the proposed budget for the project. Kerr added that he would like to revisit the financing decision after the construction bids for the new Town Hall have been received.

Mayor Pro Tem O'Malley explained that he concurred with Councilmember Fenwick. He would like to borrow a portion and pay for a portion from reserves to finance the project. O'Malley added that he was comfortable with revisiting the amount to be borrowed after the bid process is completed.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to adopt the Reimbursement Resolution as presented.

6. NEW BUSINESS

6.1 Los Altos Hills Volunteer Dinner

Passed by the consensus of Council to host the Los Altos Hills Volunteer Dinner on March 19, 2004 at the Fremont Hills Country Club.

6.2 Los Altos Hills County Fire District Commission Vacancy

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to nominate Duffy Price to fill the Commissioner vacancy on the Los Altos Hills County Fire District. It was noted that Price has had a long term interest in serving as a Fire Commissioner.

6.2 Consideration of Town-Wide Mailing – Fence Ordinance Public Hearing Notice

Carl Cahill explained that the item before Council is a notice of Public Hearing, that with Council's approval, will be included in the Town's newsletter. The full text of the ordinance will be mailed/mailed to anyone requesting it. Cahill noted that the Planning

Commission has met twice to review the issue and has prepared a draft ordinance that will be heard by the Planning Commission as a public hearing and then the public testimony and Planning Commission's recommendation will be forwarded to the City Council for their consideration.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to authorize a town-wide Public Hearing notice for the proposed Fence Ordinance and to include it in the Town Newsletter.

6.4 Consideration of a Joint City Council Meeting-Town of Los Altos Hills and City of Los Altos

PASSED BY CONSENSUS: To schedule a Joint City Council Meeting with the City Council of Los Altos Hills for May 4, 2004. The sewer master plan was suggested as an item of interest for the meeting agenda.

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

Passed by Consensus of the Council to reorder the agenda and accept testimony on Item 7.1 before Item 11.1.

7.1 Parks and Recreation Committee- Bullis School Fields Status Request

Patty Radlo and Rebecca Hickman, Co-Chairs Parks and Recreation Committee, presented a brief update to Council on the status of the Bullis fields usage. Radlo reported that in October, 2003, funds were allocated to the Parks and Recreation Committee to commit to Bullis field renderings. The Committee has researched cost estimates for artificial and natural grass applications for the playing fields. At this time, they as co-chairs are before Council, requesting consideration of including in the negotiations with the school district for lease of the site, an option to use the fields in "as is" condition for recreation purposes with an offer of future improvements. Radlo explained that the acceptability of certain lease terms is a factor in qualifying for State Park Bond monies.

Council discussion ensued. Council noted that the negotiations are still open with the School District for lease of the fields. Council directed the Parks and Recreation Committee to return to Council with more information that would assist them in evaluating the Parks and Recreation Committee's request along with more background on other options. Council would like to see: an explanation of the scope of their request, use suggestions for the fields, funding sources, improvement plans and costs, and operating costs for their proposals. City Manager Cassingham offered staff support for the Committee to assist them in summarizing their request for Council discussion at their next meeting.

COUNCILMEMBER REPORTS

Councilmember Fenwick reported that he had attended the Emergency Communications Committee. Fourteen Committee Members were in attendance. He advised the Council

of an upcoming emergency exercise that will be held on February 24th at Town Hall. The drill will be for a simulated earthquake.

Councilmember Warshawsky reported that he had attended a meeting of “Splash”. The group expects approval of the community pool’s EIR in May. They are working to raise approximately 2.2 million dollars for the project. They have secured \$500,000 to \$600,000.

Mayor Cheng reported that she had attended the JPA Library Board meeting. They are working diligently to gather community support for the March library ballot measure for the parcel tax.

8. STAFF REPORTS

8.1 City Manager

8.2 City Attorney

8.3 City Clerk

8.3.1 Report on Council Correspondence

Council directed staff to respond to correspondence from Mr. Alan Epstein. Staff clarified that they would appreciate some time to research his request. It was noted that Mr. Hall’s request included in the Council Correspondence had been agendized for the next City Council meeting with the caveat that Mr. Hall provide the necessary information in a timely manner to permit staff to prepare an appropriate staff report.

9. COUNCIL-INITIATED ITEMS

10. PRESENTATIONS FROM THE FLOOR

Lawrence Hall, 15394 Reed Avenue, West Donner Lake, Truckee, California, addressed Council on behalf of the Mora Heights neighborhood. Hall reported that the Husher sewer project is essentially complete. Approximately 39 neighbors in the area are seeking Council support for their request for sewer hook-ups to Mr. Husher’s sewer line. Hall noted that Mora Heights Way is within the Town’s Sphere of Influence. Hall requested that this item be placed on the February 19, 2004 City Council meeting agenda for Council discussion. Hall explained the need of capacity rights for the requesting parties.

Council agreed to agendized Hall’s request if all supporting reports and documentation was submitted in time for staff review. They asked Mr. Hall to include in his report his plan for acquiring the necessary capacity rights for the sewer hook-ups.

Jim Abraham, Viscaino Road, referred to letters included in the Council's Correspondence from Hall and Epstein. He is strongly opposed to annexation of unincorporated areas into the Town. Abraham believes they are merely "sewer grabs" or ways for County neighborhoods to upgrade their sub-standard infrastructure at Town's expense.

Roger Spreen, Rhus Ridge Road, explained he was before Council this evening to comment on the Kern's (Lands of Kerns, 11888 Francemont Drive) landscape screening plan that had been reviewed by the Planning Commission at their last meeting. He realizes this will be considered by Council at their next meeting, but due to the impending birth of his baby, he will not be available for the Public Hearing and would like to say for the record that he hopes Council concurs with the Planning Commission's action and upholds their unanimous decision to require the applicant to comply with their site development conditions of approval (COA).

11. PUBLIC HEARINGS

11.1 Introduction of an Ordinance to Permit the Designation of Preferential Parking Areas in the Town of Los Altos Hills

City Attorney Steve Mattas introduced this item. He noted that the ordinance before Council is an enabling ordinance that would allow the City Council, upon petition of residents, to consider the adoption of preferential parking districts. The petition would require a 51% participation of neighbors to request the establishment of a district. Once established, the streets that would be impacted by the preferential parking would require individuals parking on the street, with the exceptions noted in the draft ordinance (police, fire, city, delivery) a parking permit. Property owners would be able to acquire permits for themselves and guests from the Town. Mattas noted that the ordinance enforcement provisions require Council to provide direction on the fine amounts for citations. Mattas clarified that signage for the public street would be provided by the Town and private street signage would be the responsibility of the residents. All signage would require approval by the Town.

OPENED PUBLIC HEARING

Don Williams, Dawnridge Drive, explained that his neighborhood is very impacted by parking from the Church of the Redeemer. It has affected their quality of life and raised safety issues. He thanked Council for their consideration of the ordinance.

CLOSED PUBLIC HEARING

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Fenwick and passed by the following roll call vote to waive further reading and to introduce the ordinance adding Article 15 to the Municipal Code to authorize the Town, by approval of the City Council, to specify preferential parking districts within the Town and to set the fine of twenty five dollars (\$25) for parking violations.

AYES: Mayor Cheng, Mayor Pro Tem O'Malley, Councilmember Fenwick,
Councilmember Kerr and Councilmember Warshawsky
NOES: None
ABSENT: None
ABSTAIN: None

City Attorney Mattas noted that Council had not received a response from Purissima Hills Water District to their last correspondence and that Council could remove the first Closed Session.

Council concurred.

The City Council adjourned to Closed Session at 8:13 p.m.

12. CLOSED SESSION

CLOSED SESSION: Pursuant to Government Code Section 54956.8: Conference with Real Property Negotiator -

Property: – APN 175-56-3

Agency Negotiators: Maureen Cassingham and Steve Mattas

Negotiating Parties: Town of Los Altos Hills and Purissima Hills Water District

Under Negotiation: Terms and Conditions related to Lease of Property

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: Government Code Section 54956.9(a): Campbell and Ligeti v. Town of Los Altos Hills

The City Council reconvened to the Regular City Council Meeting at 8:15 p.m.

No action was taken.

13. ADJOURNMENT

There being no further business, the Regular City Council Meeting was adjourned at 8:16 p.m.

Respectfully submitted,

Karen Jost
City Clerk

The minutes of the February 5, 2004 Regular City Council Meeting were approved at the February 19, 2004 Regular City Council Meeting.